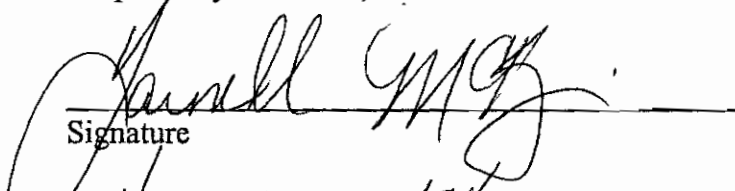


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA, et al., : CASE NO. C-1-02-107  
Plaintiffs, : JUDGE S. ARTHUR SPIEGEL  
-VS- : MAGISTRATE HOGAN  
BOARD OF HAMILTON COUNTY :  
COMMISSIONERS, et al., : REQUEST FOR REVIEW  
Defendants. :

I, Yarnell McKenzie, request that the Court review my Water-in-Basement claim, pursuant to the Court's February 2, 2006, Order. Attached hereto is the information detailing the nature of my dispute.

Respectfully submitted,

  
Signature

Yarnell McKenzie  
Name (print)

9-11-08  
Date

INFORMATION FOR REQUEST FOR REVIEW

Name: Yarnell McKenzie

Address: 2490 Berthbrook Dr

Cinti Oh 45231

Phone: 513 349 8417

Nature of dispute and description of your disagreement (attach additional pages if necessary):

MSD offered me 1700<sup>00</sup> for 20000<sup>00</sup>  
worth of damages to my personal prop  
erty. please see attached  
Disagree with amt. offered by MSD

Date of City's decision (please attach): \_\_\_\_\_

Describe the Relief that you are seeking and any evidence that you have to support your claim. Please attach your original claim and other documents (receipts, photos, videos, etc.) that you would like the Court to review:

I definitely am trying to recover  
from situation and am in financial dis-  
stress - not able to obtain replacements for  
damaged items.

Check one:



I would like to appear in person to explain my position to the Court.



I do not need to appear in person. I would like the Court to issue a decision based on its review of this form and the attached documents.

Signature: Yarnell McKenzie

Date: 9-11-08

**\*\* File this form and any relevant documents at the Clerk of Court's office in Room 103 of the Federal Courthouse, 100 E. 5th Street, Cincinnati, OH 45202; and send a copy to the City of Cincinnati, c/o Terry Nestor, 801 Plum St., Room 214, Cincinnati, OH 45202, and/or Fax: 513-352-1515.**

**LEGAL AID SOCIETY OF  
SOUTHWEST OHIO, LLC**

AN AFFILIATE OF THE LEGAL AID SOCIETY OF GREATER CINCINNATI

July 31, 2008

**DONALD P. KLEKAMP  
COMMUNITY LAW  
CENTER BUILDING**

**215 East Ninth Street  
Suite 500  
Cincinnati, Ohio  
45202**

Telephone  
(513) 241-9400  
(800) 582-2682

Facsimile  
(513) 241-0047

Ms. Yarnell McKenzie  
2490 Berthbrook Drive  
Cincinnati, OH 45231

Dear Ms. McKenzie:

You contacted Legal Aid in our capacity as Ombudsman for the Metropolitan Sewer District (MSD) Water-In-Basement Program.

MSD has accepted responsibility for the backup in your basement. You submitted a claim to MSD for damages to your basement and personal items. I understand that you disagree with the amount that MSD offered to pay.

You have the right to have your claim reviewed in Federal Court under the WIB case. The Magistrate Judge who oversees the WIB Consent Decree developed a new procedure for homeowners to appeal MSD's decision. To exercise this right, you must file a request to have your dispute reviewed in Federal Court. You would also need to submit any additional information and documentation (photos, receipts, etc.) to support your claim. The Court would review this information, provide you with a hearing (if you want one), and assess whether the City's damage estimate is reasonable. If you are going to exercise your right to the review process, you should file your request as soon as possible.

Enclosed is the Right to Review form and information on the Federal Court Review process. Feel free to contact me directly at 362-2871 if you need further assistance to understand this process or your rights. Or, you may call the Ombudsman's main number at 362-2801.

Sincerely,

*Rickell Howard*

Rickell Howard  
Attorney at Law  
Assistant to the Ombudsman  
MSD Water-In-Basement Program  
Direct Dial: (513) 362-2871

**LEGAL SERVICES IN**

Brown County  
Butler County  
Clermont County  
Clinton County  
Hamilton County  
Highland County  
Warren County

RH/lrf  
Enclosures





Dear MSD Customer,

Enclosed you will find a detailed list of the items destroyed by your flooded basement and photos that were taken of the damages after the event. We appreciate your patience as we strive to serve so many across our city.

If you have questions or concerns regarding filing a claim, please don't hesitate to call our office. We can be reached at (513) 771-9424. Someone will be happy to assist you with the process.

Sincerely,

A handwritten signature in cursive script that reads "Chris Erdman".

MSD Customer Service Representative

## Tenant sheet



## WIB PROPERTY OFFSITE DISPOSAL REPORT

WIB No. 2408

Customer Service Representative: Chris/Dana

Customer Name: Yarnell McKenzie

Address: 2490 Bethrock

City: Colman

Zip: 45231

Item Description	Quantity	Comments
ENTERTAINMENT CASINO	1	wood
mini fridge	1	Dorby Millennium Brand
DVDs	Approx 30	
Swivel chair + stool	1 set	
Artificial trees	2	5 ft.
laundry hamper	1	
purses	52	photographed together: piles of 3
suitcase / Duffel bag	1	Black - large
clothing armoire	1	white wood laminate
4ft folding photo bench unit	1	wood
CLOTHING / SHOES	1 pile	covering family room floor (3 photos)
life gear treadmill	1	non-electric - SUMMIT SN 000264
CLOTHING	1 pile	covering storage room floor (3 photos)
video VCR tapes	1 Bag	
bookcase in box	1	Sauder Brand

Cleanup Contractor: FLOOD RESTORATION Date: 3-24-08

Employee Signature: [Signature]

Customer Signature: [Signature]

Printed Name: YARNELL MCKENZIE

Date: 3-24-08

By signing this report, I agree that the items listed above will be disposed of offsite and are eligible for inclusion in my claim.





Customer Name: Yarnell McKenzie

Address: 2490 Bethbrook City: Blairsville Zip:

Printed Name: WAZNEE WICKENZIL Date: 3-24-08

***Revised 4/5/2006***

Louis Vutton Suitcase/duffle bag	729.00
Armoire (clothes)	917.00
3/4 photo frame (wood)	46.29
Shoes (73 pair)	5000.00
10 bags clothes covered family rm fl.	4200.00
Life size treadmill	110.00
20 bags of clothes covered storage rm fl.	7100.00
Garbage bag VCR Tapes 43X12.00	516.00
Bookcase (new)	120.00
motor scooter x2 <sup>yellow</sup> & <sup>red</sup> (just bought)	600.00
cell phone (sprint) non insured	69.00
Wireless phone	170.00
Baby Monitor	20.00
photos	30.00
Series 7 exam book (I now have to pay my job)	500.00
Cloth Flexi file cabinet	23.00

entertainment cabinet  
mini refrigerator  
DVD's 2 box sets

30+ DVD's cont.

700.00  
84.00  
34.99  
47.99  
21.99  
14.99  
10.99  
19.99  
X 11 movies 19.89  
219.89  
21.99  
19.99  
14.99  
9.99  
21.99  
13.99  
17.99  
129.99  
19.89 X 2  
12.99

Swivel chair & stool (1 w/old)

Artificial trees X 2

Laundry hamper

Purses X 54 (Designer purse collection)

Gucci 259.00  
Guess 89.99  
Coach 309.00  
Gap 90.00  
Dorothy 309.00  
Xoxo 69.00  
Baby 34.00  
L. 115 509.00  
Coach 179.00  
Express 169.00  
24X leather  
Purses 2,000.00

Findi 469.00  
Coach hobo bag 378.00  
Fubu 89.99  
Guess 129.99  
Jav 5th Ave 259.00  
Old Navy 49.00  
Charlotte Russe 52.00  
Kenneth Cole 179.00  
Guess 69.99  
Gucci 659.00  
Dooney & Buckle 349.00



